

REMARKS

Upon entry of the amendment, claims 66-72, and 74-78 will be pending in the application. Claims 73, and 79-89 are cancelled in this amendment. Claims 1-65 were cancelled in previous amendment. Claim 72 is amended to incorporate the subject matter of cancelled claims, e.g., claim 80. No new matter has been added.

The cancellation of subject matter is made solely to expedite prosecution and is not a concession that the subject matter no longer claimed is not patentable. Applicants reserve the right to pursue all subject matter in a continuing application or applications.

Rejections under 35 USC §112, first paragraph

Claims 66-89 are rejected for overbreadth and lack of written description. Claims 73 and 79-89 are cancelled. The rejection is traversed as applied to claims the remaining claims as amended.

Independent claims 66 and 72, from which depend the remaining claims subject to the rejection, are drawn to an antibody that binds to an IL-11R polypeptide or fragment thereof that consists of the amino acid sequence or sequences recited in the claim. Applicants maintain that the full scope of the invention now claimed can be practiced without undue experimentation, and that the invention now claimed is adequately described in the specification.

Applicants request reconsideration and withdrawal of the rejections for overbreadth and written description.

Rejections under 35 USC §112, second paragraph

Claims 66-89 are rejected as indefinite for reciting “fragment thereof”. Claims 73 and 79-89 are cancelled. The rejection is traversed to the extent it is applied to the remaining claims as amended.

As noted above, the claims now require that the recited antibody bind to an IL-11 Receptor protein or fragment of the protein that consists of the recited amino acid sequence or sequences.

Applicants request reconsideration and withdrawal of the rejections for indefiniteness.

Rejections under 35 USC 102(b)

Claims 72-89 are rejected as anticipated by Giaver, US Patent No. 4,054,646 (“Giaver”). Claims 79-89 are cancelled. The rejection is traversed to the extent it is applied to the remaining claims as amended.

Claim 72, from which depends claims 73-78, is now drawn to antibody that binds to an IL-11R polypeptide or fragment thereof that consists of the amino acid sequence or sequences recited in the claims. Giaver does not describe an antibody with these features.

Applicants request reconsideration and withdrawal of the rejection for anticipation.

The claims are now believed in condition for allowance, and such action is respectfully requested. A Notice of Appeal accompanies this response. The Commissioner is authorized to charge any additional fees that may be due, or credit any overpayments of same, to Deposit Account No. 50-0311, Ref. No. 22058-516 DIVCON.

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Respectfully submitted,

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